

House File 2181 - Introduced

HOUSE FILE 2181

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A BILL FOR

1 An Act relating to the sale or transfer of firearms, providing
2 penalties, and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **724.32 Sale or transfer of firearms**
2 **— criminal history background check.**

3 1. Unless otherwise authorized by this chapter or federal
4 law, a person shall not sell or transfer a firearm to another
5 person without receiving verification from a licensed firearms
6 dealer that information on the prospective purchaser or
7 transferee has been submitted to the department of public
8 safety for a criminal history background check and that a
9 determination has been received by the department of public
10 safety that the prospective purchaser or transferee is not
11 prohibited under either state or federal law from possessing a
12 firearm. A criminal history background check conducted under
13 this section shall include an inquiry of the national instant
14 criminal background check system maintained by the federal
15 bureau of investigation.

16 2. *a.* Except as provided in paragraph “*b*”, a person who
17 sells or transfers a firearm in violation of this section is
18 guilty of an aggravated misdemeanor.

19 *b.* A person does not violate this section under any of the
20 following circumstances:

21 (1) A sale or transfer of a firearm to a firearm buyback
22 program sponsored by a law enforcement agency.

23 (2) A transfer of a firearm to another person during an
24 act of justified self-defense or justified defense of another
25 person, provided that the possession after the transfer
26 lasts no longer than is immediately necessary to resolve the
27 emergency.

28 3. A licensed firearms dealer may charge and collect fees
29 for obtaining criminal history record information checks on
30 behalf of sellers or transferors.

31 4. The department of public safety shall adopt rules
32 pursuant to chapter 17A as necessary to carry out the
33 provisions of this section.

34 5. For purposes of this section, “*licensed firearms dealer*”
35 means the same as defined in section 724.29A.

1 Sec. 2. APPLICABILITY. This Act applies to the sale or
2 transfer of firearms on or after July 1, 2018.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 This bill relates to the sale or transfer of firearms,
7 provides penalties, and includes applicability provisions.

8 Unless a sale or transfer of a firearm without the
9 performance of a criminal history background check is otherwise
10 authorized by Code chapter 724 (weapons) or federal law,
11 the bill prohibits a person from selling or transferring a
12 firearm to another person without receiving verification from
13 a federally licensed firearms dealer that information on the
14 prospective purchaser or transferee has been submitted to the
15 department of public safety for a criminal history background
16 check and that a determination has been received by the
17 department of public safety that the prospective purchaser or
18 transferee is not prohibited under either state or federal law
19 from possessing a firearm. A criminal history background check
20 under the bill includes an inquiry of the national instant
21 criminal background check system maintained by the federal
22 bureau of investigation.

23 The bill provides that a person who sells or transfers a
24 firearm in violation of this Code section is guilty of an
25 aggravated misdemeanor, punishable by confinement for no more
26 than two years and a fine of at least \$625 but not more than
27 \$6,250.

28 The bill does not apply to the following: a sale or transfer
29 of a firearm to a firearm buyback program sponsored by a law
30 enforcement agency; or to a transfer to another person during
31 an act of justified self-defense or justified defense of
32 another person, provided that the possession after the transfer
33 lasts no longer than is immediately necessary to resolve the
34 emergency.

35 The bill provides that a federally licensed firearms dealer

1 may charge and collect fees for obtaining criminal history
2 record information checks on behalf of sellers and transferors
3 and the department of public safety shall adopt rules pursuant
4 to Code chapter 17A as necessary to carry out the provisions
5 of the bill.

6 The bill applies to the sale or transfer of firearms on or
7 after July 1, 2018.